IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Bail Appl..No. 1316 of 2007()

CRIME NO.28/07 OF KOTTAYAM EAST POLICE STATION

: PETITIONER/ACCUSED NO.2

K.K.MOHANDAS, AGED 58 YEARS,
RESIDING AT SARASWATHI NILAYAM, KUDAMALOOR P.O.,
AYMANAM VILLAGE, KOTTAYAM DISTRICT.

BY ADV. SRI.O.V.MANIPRASAD

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
(THE SUB INSPECTOR OF POLICE, KOTTAYAM EAST
POLICE STATION, CRIME NO.28/07 OF KOTTAYAM EAST
POLICE STATION), REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1316 OF 2007

Dated this the 6th day of March, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.28/2007 of Kottayam East Police Station for offences punishable under sections 379, 411 and 468 read with section 34 IPC, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 19.01.2007 the police conducted a search in the house of the first accused Muraleedharan, who conducts a medical shop, and recovered surgical instruments worth Rs.81,871/- supplied by the Government of Kerala to the Medical College Hospital, Kottayam. Subsequent investigation revealed that the petitioner, who was a Nursing Assistant who retired from the Medical College Hospital, had committed theft of these surgical instruments from the hospital with the assistance of the first accused, who had kept the same for sale in his house.

4. It is too early to accept the petitioner's contention that since he retired from service in the year 2004, it is not possible at all for him to commit theft of the surgical instruments in question. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer

for interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly the petitioner is directed to surrender before the Investigating Officer on any day between 13.3.2007 and 15.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any. He shall, thereafter, be produced on the same day before the Magistrate having jurisdiction. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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